

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARRYL T. COGGINS,

Plaintiff,

07-CV-3624

(JFB)(AKT)

v.

COUNTY OF NASSAU, NASSAU COUNTY POLICE
DEPARTMENT, POLICE OFFICER JAMES VARA, in
his individual and official capacity, and POLICE OFFICER
CRAIG BUONORA, in his individual and official capacity,
and JOHN DOES “1-10”, in their individual and official
capacity,

**DECLARATION OF
DONNA A. NAPOLITANO**

Defendants.

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DONNA A. NAPOLITANO, an attorney duly licensed to practice law before the Courts
of the State of New York and the United States District Court for the Eastern District of New
York, under penalties of perjury, hereby declares as follows:

1. I am a Deputy County Attorney in the office of Lorna B. Goodman, County Attorney of
Nassau County, attorneys for COUNTY OF NASSAU, NASSAU COUNTY POLICE
DEPARTMENT, and POLICE OFFICER JAMES VARA (hereinafter “County Defendants”).
As such, I am familiar with the facts and circumstances set forth herein. The source of my
information is the litigation file in connection with this case that is maintained in the Office of
the Nassau County Attorney, and conversations that I have had with defense witnesses.

2. This declaration is submitted in response to Defendant’s Buonora’s motion seeking an
Order granting summary judgment in favor of Defendant Buonora, dismissing the Plaintiff’s
complaint against Defendant Buonora on the ground that there is no triable issue of fact with

respect to the instant litigation, and granting any such other relief as the Court deems just and proper.

3. The instant action was commenced by service of Plaintiff's Summons and Verified Complaint on or about August 28, 2007.

4. County Defendants joined issue by their service of the County Defendants' Answer on or about December 5, 2007.

5. A review of Defendant Vara's Grand Jury Testimony dated March 17, 2005, appears to contest Defendant Buonora's allegation on page 4 of his Memorandum of Law that Defendant Vara falsified his Grand Jury testimony.

6. Contrary to Defendant Bunora's statement on page 5 of the Memorandum of Law, upon information and belief, the Nassau County District Attorney's Office offered Defendant Vara transactional immunity to testify.

WHEREFORE, for all the reasons set forth in this Declaration, County Defendants seek to correct the record with regard to Defendant Buonora's allegations regarding Defendant Vara's Grand Jury Testimony on March 17, 2005, and the offer of transactional immunity made by the Nassau County District Attorney's Office.

DATED: Mineola, New York
 February 7, 2008

LORNA B. GOODMAN
Nassau County Attorney

/s/ Donna A. Napolitano
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